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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,202	04/21/1999	TODD R. COLLART	1A 1502.01A US	8074

22887 7590 05/25/2004

DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/296,202

Applicant(s)

COLLART, TODD R.

Examiner

Cristina O Sherr

Art Unit

3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

1. This communication is in response to the amendment filed 21 February 2004. Claims 1, 7, and 12 have been amended. Claims 1-19 remain pending in this action.

Response to Arguments

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1 – 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Tobita (US 5,938,730A).
5. Tobita discloses a method for tracking the distribution of content electronically, comprising the steps of: (a) incorporating an electronic storage medium tracking identifier onto a standalone electronic storage medium; (b) detecting the tracking information when the standalone electronic storage medium is coupled with a computer; (c) transmitting the tracking information to a server computer; and (d) determining appropriate support information utilizing logic in the server computer to transmit to the computer (Col 4 ln 7 – col 5 ln 10);
- with respect to claim 2, a method for tracking the distribution of content electronically as recited in claim 1, wherein the server computer performs a table lookup to determine the retailer that sold the package (Col 4 ln 7 – col 5 ln 10);

Art Unit: 3621

with respect to claim 3, a method for tracking the distribution of content electronically as recited in claim 1, wherein the server computer is coupled to the computer via a network (Col 4 ln 7 – col 5 ln 10);

with respect to claim 4, a method for tracking the distribution of content electronically as recited in claim 1, wherein the server computer transmits information utilizing an internet protocol (Col 4 ln 7 – col 5 ln 10);

with respect to claim 5, a method for tracking the distribution of content electronically as recited in claim 1, wherein a transaction is written to a database memorializing processing (Col 4 ln 7 – col 5 ln 10);

with respect to claim 6, a method for tracking the distribution of content electronically as recited in claim 1, wherein support information is passed to the server to identify pertinent support information (Col 4 ln 7 – col 5 ln 10).

6. Claims 7 - 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Tobita (US 5,938,730A).

8. Tobita discloses, with respect to claim 7, an apparatus for tracking the distribution of content electronically, comprising: (a) a standalone optical disc electronic storage medium having a burst cut area; and (b) a digital code stored in the burst cut area; (c) the digital code representative of an identifier of content on the optical disc electronic storage medium; (d) the apparatus including logic that detects the tracking information when the electronic storage medium is coupled with a computer; (e) the apparatus including logic that transmits the tracking information to a server computer; and (f) the apparatus including logic in the server computer that determines appropriate

support information utilizing logic in the server computer to transmit to the computer
(Col 4 ln 7 – col 5 ln 10);

with respect to claim 8, an apparatus for tracking the distribution of content
electronically as recited in claim 7, wherein the server computer performs a table lookup
to determine the retailer that sold the package (Col 4 ln 10 – col 5 ln 14);

with respect to claim 9, an apparatus for tracking the distribution of content
electronically as recited in claim 7, wherein the server computer is coupled to the
computer via a 3 network (Col 4 ln 10 – col 5 ln 14);

with respect to claim 10, an apparatus for tracking the distribution of content
electronically as recited in claim 7, wherein the server computer transmits information
utilizing an internet protocol (Col 4 ln 10 – col 5 ln 14);

with respect to claim 11, an apparatus for tracking the distribution of content
electronically as recited in claim 7, wherein a transaction is written to a database
memorializing processing (Col 4 ln 10 – col 5 ln 14).

9. Claims 12 - 19 are rejected under 35 U.S.C. 102(a) as being anticipated by
Tobita (US 5,938,730A).

10. Tobita discloses, with respect to claim 12, a program embodied on a computer
readable medium for identifying and providing a response to the use of a standalone
electronic storage medium having an identifier incorporated thereon, the program
comprising: (a) a code segment that reads the identifier of the electronic storage
medium upon being input into a computer by a user; (b) a code segment that detects
the tracking information when the package is coupled with a computer; (c) a code

Art Unit: 3621

segment that transmits the tracking information to a server computer; and (d) a code segment in the server computer that determines appropriate support information utilizing logic in the server computer to transmit to the computer (Col 4 ln 10 – col 5 ln 14);

with respect to claim 13, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, wherein the server computer performs a table lookup to determine the retailer that sold the package (Col 4 ln 10 – col 5 ln 14);

with respect to claim 14, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, wherein the server computer is coupled to the computer via a network (Col 4 ln 10 – col 5 ln 14);

with respect to claim 14, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, wherein the server computer initiates support of authorized information utilizing a transaction from the server computer (Col 4 ln 10 – col 5 ln 14);

with respect to claim 16, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, wherein a transaction is written to a database memorializing processing (Col 4 ln 10 – col 5 ln 14);

with respect to claim 17, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in

Art Unit: 3621

claim 12, including a code segment that receives live support information from the server computer (Col 4 ln 10 – col 5 ln 14);

with respect to claim 18, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 17, including a code segment that transmits support criteria to the server computer (Col 4 ln 10 – col 5 ln 14);

with respect to claim 19, the program for identifying and providing a response to use of an electronic storage medium having an identifier incorporated thereon as recited in claim 12, including a code segment that posts support indicia of video, user information, and a suitable player to a database (Col 4 ln 10 – col 5 ln 14).

11. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) a mail encoding and processing system (Allum et al US 5,420,403A);

Art Unit: 3621

(2) a system and method for database access control (Baker et al US 5,686,898A);

(3) a method of securing the playback of a DVD-ROM via triggering data sent via cable network (Mages et al US 6,035,329A);

(4) an optical disk, optical recorder, optical reproducing device encrypted communication system, and authorizing system for use of a program (EP 0 802 527 A1);

(5) a method and device for executing a software and medium for distribution (EP 0 814 419 A2);
and

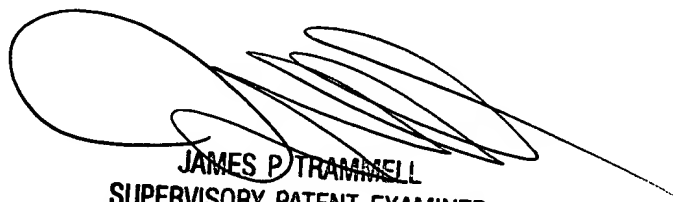
(6) Bannan,KJ; Private Pipes for Electronic Media (Econtent, Apr 2002).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

• Art Unit: 3621

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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